

2015-2016  
CHARTER COMMISSION  
City and County of Honolulu

Honolulu Hale  
530 South King Street, Room 501  
Honolulu, Hawaii 96813

Telephone: 768-5093  
Email: cclcharter@honolulu.gov

Web Site:  
honoluluchartercommission.org



**MEMBERS**  
David W. Rae, Chair  
Kevin Mulligan, Vice Chair  
Judge Michael F. Broderick (Ret.)  
Reginald V. Castanares, Jr.  
Guy K. Fujimura  
Donna Ikeda  
Nathan T. Okubo  
Paul T. Oshiro  
Cheryl D. Soon  
Edlyn S. Taniguchi  
R. Brian Tsujimura  
Governor John D. Waihee III  
Pamela Witty-Oakland

**MEETING NOTICE**

THURSDAY, MAY 26, 2016  
3:30 P.M.  
COMMITTEE MEETING ROOM  
HONOLULU HALE

**AGENDA**

**I. CALL TO ORDER**

Roll Call

**II. FOR APPROVAL**

Minutes of the meeting of:

- October 28, 2015
- December 14, 2015

**III. DISCUSSION AND ACTION**

Discussion and action on the Findings and Recommendations by the Permitted Interaction Group established to review proposals relating to Open Government/Citizen Participation pursuant to Hawaii Revised Statutes §92-2.5(b).

**IV. EXECUTIVE SESSION**

The Commission anticipates going into Executive Session pursuant to Hawaii Revised Statutes §92-4 and §92-5(a)(4) to consult in a closed meeting with the attorneys for the Commission on questions and issues pertaining to matters on the Commission's powers, duties, privileges, immunities and/or liabilities relating to Corporation Counsel's legal opinions regarding the proposals contained in Attachment 1.

**CANCELLED**

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CITY CLERK  
C & C OF HONOLULU  
2016 MAY 20 PM 4:10

## V. DISCUSSION AND ACTION

Discussion and action on the legal review and agency responses to proposals reviewed by the Style Committee on March 17, 2016, and tentatively approved by the Charter Commission on April 1, 2016, pursuant to Rule 4e.  
See Attachments 1 and 2.

## VI. ANNOUNCEMENTS

Next meeting date.

## VII. ADJOURNMENT

### WHERE TO FIND CHARTER PROPOSALS

All proposals are posted in PDF format on the Charter Commission website at <http://www.honoluluchartercommission.org/submitted-proposals>. Hard copies are available for review at the Charter Commission office.

### TESTIFIER REGISTRATION

Persons wishing to testify are requested to register as follows:

- a. By 12:00 noon of the day of the meeting, emailing to [cclcharter@honolulu.gov](mailto:cclcharter@honolulu.gov) your name, phone number, and the agenda item; or
- b. By filling out the registration form in person.

Persons who have not registered to testify will be given an opportunity to testify on an item following oral testimonies by the registered testifiers.

Each testifier shall not have anyone else read the testifier's statement. Each testifier is limited to three minutes per agenda item.

### WRITTEN STATEMENT

Written testimony may be emailed by 12:00 noon of the day of the meeting to [cclcharter@honolulu.gov](mailto:cclcharter@honolulu.gov) for distribution at the meeting to the members of the Charter Commission.

If submitted, written testimony, including the testifier's address, email address, and phone number, may be posted and available to the public on the Honolulu Charter Commission website <http://www.honoluluchartercommission.org>

### ASSISTANCE

If you require auxiliary aids or services (i.e., ASL or foreign language interpreter, or wheelchair accessibility) to participate in the Charter Commission meetings, please call 768-5093 or send an email to [cclcharter@honolulu.gov](mailto:cclcharter@honolulu.gov) at least three working days prior to the meeting for arrangements. Prompt requests will help ensure the availability of services and reasonable accommodations.

## ATTACHMENT 1

### EXECUTIVE SESSION COMMITTEE ON STYLE REPORT 1 Proposals Reviewed by the Committee on Style, March 17, 2016 Charter Commission Meeting 5/26/16

Proposal #	Short Summary of Proposal
2	Amend Special Elections timing. <i>Formatting change only</i>
33	Provide for the timely filling of a vacancy in the office of any Councilmember. <i>No changes</i>
34	Publish a new and updated edition of the Charter at least every 10 years by July 1 of the year following the general election and ending in "6". <i>Formatting changes only</i>
35	Repeal the requirement that no more than a majority of members of the Reapportionment Commission can be members of the same political party. <i>Formatting changes only</i>
77	Add planning, engineering, design, construction, and installation to the Departments of: <ul style="list-style-type: none"><li>• Design and Construction</li><li>• Enterprise Services;</li><li>• Environmental Services;</li><li>• Facility Maintenance;</li><li>• Transportation Services;</li><li>• Information Technology; and</li><li>• Parks and Recreation.</li></ul> <i>Formatting changes only</i>
79	Require Board of Water Supply and Honolulu Authority for Rapid Transit contracts to be approved for form and legality by Corporation Counsel. <i>No changes</i>
87	Increase the number of members on the Fire Commission from 5 to 7 <i>No changes</i>
89	Change the Neighborhood Commission title of "Executive Secretary" to "Executive Director." <i>No changes</i>
90	<ul style="list-style-type: none"><li>• Align Central Purchasing with the Procurement Code; and</li><li>• Remove requirement for an appointed standardization committee.</li></ul> <i>Formatting changes only</i>

**ATTACHMENT 2**  
**OFFICE OF THE MAYOR**  
**CITY AND COUNTY OF HONOLULU**

530 SOUTH KING STREET, ROOM 300 • HONOLULU, HAWAII 96813  
PHONE: (808) 768-4141 • FAX: (808) 768-4242 • INTERNET: [www.honolulu.gov](http://www.honolulu.gov)

KIRK CALDWELL  
MAYOR



ROY K. AMEMIYA, JR.  
MANAGING DIRECTOR  
  
GEORGETTE T. DEEMER  
DEPUTY MANAGING DIRECTOR

May 10, 2016

The Honorable David W. Rae, Chair  
and Members  
2015-2016 City Charter Commission  
Honolulu Hale  
530 South King Street, Room 501  
Honolulu, Hawaii 96813

Dear Chair Rae and Members:

SUBJECT: Review of Proposals Tentatively Approved by the Charter Commission

City and County of Honolulu departments reviewed the Style Committee Report and provided the following comments:

Proposal 2 – The Prosecutor's Office has no objections to Proposal 2.

Proposal 33 – No department provided comments on Proposal 33.

Proposal 34 – No department provided comments on Proposal 34.

Proposal 35 – No department provided comments on Proposal 35.

Proposal 36 – No department provided comments on Proposal 36.

Proposal 42 – The Neighborhood Commission Office (NCO) opposes the adoption of Proposal 42 which prohibits concurrent service on a neighborhood board and the Neighborhood Commission. NCO finds that service on neighborhood boards provides Neighborhood Commission members with valuable perspectives on setting policies for the board system and adjudicating complaints. The Charter requires that a minimum of five of Neighborhood Commission members serve at least one full term of service on a neighborhood board prior to being appointed to the Commission. Additionally, should this Charter amendment be adopted, all five current commissioners have indicated that they will opt to continue with their neighborhood board membership and resign from the Neighborhood Commission. This proposal will significantly shrink the number of residents eligible and willing to serve on the Neighborhood Commission.

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Proposal 43 – The Department of Human Resources (DHR) opposes the adoption of Proposal 43 which requires Salary Commission decisions take effect 60 calendar days after adoption if three-quarters of the membership vote in favor of the decisions. The Administration recognizes this proposal would remove part of the salary setting process from the political sphere. However, this would allow salary changes to be implemented without further review by the City Council, City departments or the public. There would be no opportunity for the City Council to reject any part of the Salary Commission decision. The change provides the Salary Commission with considerably more power to set the salaries of those under their purview. It does not give the City Council the opportunity to determine if salary recommendations made by the Salary Commission fit into the City budget.

Proposal 48 – This proposal was deferred by the Committee on Style.

Proposal 77 – The Department of Design and Construction has no objections to Proposal 77.

The Department of Enterprise Services has no objections to Proposal 77.

The Department of Environmental Services has no objections to the content of Proposal 77, but requests the formatting of Section 6-802 revert back to the language proposed in the original Proposal 77 submitted by Managing Director, Roy K. Amemiya, Jr. (attached).

The Department of Facility Maintenance has no objections to Proposal 77.

The Department of Information Technology has no objections to Proposal 77.

The Department of Parks and Recreation has no objections to Proposal 77.

The Department of Transportation Services (DTS) requests that changes to Section 6-1703 in Proposal 77 be amended and moved to the proposal that will address changes to the operation and maintenance of the city's fixed guideway mass transit system. The proposal which will be reported out of the Permitted Interaction Group on the Honolulu Authority for Rapid Transit (HART) also makes changes to Section 6-1703 of the Charter.

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DTS suggests adding new sections (b) and (c) to Section 6-1703 in order to reflect the changes that will be proposed which relate to the operations and maintenance of the city's fixed guideway mass transit system.

Section 6-1703. Powers, Duties and Functions –

(b) As determined to be within the department's capabilities, direct and perform the planning, engineering, design, and construction of transportation systems, except for non-operation and maintenance activities relating to the city's fixed guideway mass transit system.

(c) Coordinate with the director of design and construction all planning, engineering, design, construction and repair of transportation systems, except for non-operation and maintenance activities relating to the city's fixed guideway mass transit system, that exceed the department's capabilities.

Proposal 79 – The Board of Water Supply has no objections to Proposal 79.

The Honolulu Authority for Rapid Transit provided the Charter Commission response to Proposal 79 via a letter dated April 27, 2016 (attached).

Proposal 80 – This proposal was deferred by the Committee on Style.

Proposal 82 – This proposal was held by the Committee on Style as the changes proposed are incorporated in Proposal 77.

Proposal 87 – The Honolulu Fire Department has no objections to Proposal 87.

Proposal 89 – NCO has no objections to Proposal 89.

Proposal 90 – The Department of Budget and Fiscal Services suggests the following amendment to Proposal 90 newly numbered item 6 under Section 9-301. The City and County of Honolulu follows the State procurement code set by the Hawaii Revised Statutes and Hawaii Administrative Rules.

Section 9-301. Centralized Purchasing -

[7.] 6. The director of budget and fiscal services shall require such guarantees of performance by vendors as in the director's opinion may be necessary or as may be prescribed by [ordinance] Hawaii Revised Statutes and applicable Hawaii Administrative Rules.

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Proposal 91 – The Department of Emergency Management has no objections to Proposal 91.

Proposal 104 – This proposal was deferred by the Committee on Style.

Should you have any questions on the review of these proposals tentatively passed by the Charter Commission, please contact me at 768-6634.

Warm Regards,

  
Roy K. Amemiya, Jr.  
Managing Director

**CANCELLED**



IN REPLY REFER TO:  
CMS-APOOHART-00054

HONOLULU AUTHORITY for RAPID TRANSPORTATION

Daniel A. Grabauskas  
EXECUTIVE DIRECTOR AND CEO

BOARD OF DIRECTORS

Colleen Hanabusa  
CHAIR

Damien T. K. Kim  
VICE CHAIR

George I. Atta  
Michael D. Formby  
Fadi N. Fuchigami  
Terri Fujii  
William "Buzz" Hong  
Terrence M. Lee  
Ivan M. Lui-Kwan  
Colbert M. Matsumoto

April 27, 2016

Mr. David W. Rae, Chair  
and Members of the Charter Commission  
City and County of Honolulu  
530 South King Street, Room 501  
Honolulu, Hawaii 96813

Dear Mr. Rae and Members of the Charter Commission:

Subject: Proposed City Charter Amendment No. 79

The Honolulu Authority for Rapid Transportation (HART) appreciates the opportunity to provide input on Proposed City Charter Amendment No. 79.

HART's practice has been to submit contracts to the Department of the Corporation Counsel for approval as to form and legality. However, as the policy of the HART Board of Directors (Board) is for the Board as a whole to formulate its position after deliberation as a body, I am regretfully unable to provide the Board's position, as the Board has yet to discuss the proposed amendment.

I anticipate that this matter will be discussed by the Board at its May 12, 2016, meeting, after which I will provide the HART Board's position on the proposal, should the Board come to a decision.

Very truly yours,

Colleen Hanabusa  
HART Board Chair

cc: HART Board of Directors

**CANCELLED**



# ATTACHMENT 2

PROPOSAL No **77**  
(For Commission Use)

## 2015-2016 HONOLULU CHARTER COMMISSION CITY AND COUNTY OF HONOLULU CHARTER AMENDMENT PROPOSAL FORM

1. Provide a brief description of the:
  - Proposed Charter amendment;
  - Purpose of the proposed Charter amendment;
  - Issue or problem to be addressed by the proposal; and
  - How the proposal would address the issue or problem.

Amend the Powers, Duties, and Functions of City departments as follows.

Department of Design and Construction (DDC)  
Department of Enterprise Services (DES)  
Department of Environmental Services (ENV)  
Department of Facility Maintenance (DFM)  
Department of Transportation Services (DTS)  
Department of Information Technology (DIT)  
Department of Parks and Recreation (DPR)

Under the current Charter only the Department of Design and Construction's (DDC's) Powers, Duties, and Functions include planning, engineering, design, and construction. As a result, Budget and Fiscal Services (BFS) requires receipt of written designation of Officer-in-Charge (OIC) authority from DDC before processing a contract for another department that involves planning, engineering, design, or construction, including contracts for repair work to existing facilities.

Including planning, engineering, design, construction, installation, repair, and/or reconstruction, as applicable, in the Powers, Duties, and Functions of the affected departments would acknowledge current capabilities and practices of those departments and improve City government efficiency by eliminating the repeated preparation and processing of designation of OIC authority from DDC to the affected departments for each project another department implements that includes one or more of those functions.

2. If applicable, list the Charter provision affected by the proposal.

Section 6-503, 6-702, 6-803, 6-903, 6-1202, 6-1403 and 6-1703 Powers, Duties and Functions.

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3. If the proposal is based on a provision or provisions in the charter or laws of another jurisdiction (e.g., another county, city, or municipality), name the jurisdiction and, if possible, attach a copy of each provision or law.

n/a

4. If the proposal is based on any written materials you have, please attach a copy of each with a citation to its source.

n/a

5. Attach the text of the proposed Charter amendment in Ramseyer format (see instructions below).

See attached.

Ramseyer format:

- **AMENDING AN EXISTING CHARTER PROVISION:** Indicate by underscoring, any language being proposed to be added to the Charter and indicate by [bracketing], any language being proposed to be deleted from the Charter.
- **REPLACING AN EXISTING CHARTER PROVISION:** [Bracket] the article, chapter, or section of the Charter proposed to be deleted, and underscore the text of any provision proposed to replace the deleted material.
- **ADDING A NEW CHARTER PROVISION:** Provide the text of the new provision and, if possible, indicate where in the Charter the new material should be added.

6. If this proposal is being submitted by an organization, please indicate the organization. If it is being submitted by an individual, please indicate the individual's first and last name.\*

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City and County of Honolulu, Office of the Managing Director

7. Please include the address, phone number, and email of the organization or individual from Item 6 above, if you would like to be contacted.\*

Roy K. Amemiya, Jr.  
Managing Director  
City and County of Honolulu  
530 South King Street  
Honolulu, Hawaii 96813  
(808) 768-4275

\*Responses to Items 6 and 7 are optional, however, providing responses to these items will help the Commission's deliberations, especially when additional information or research is required. Please be aware that these documents will be part of the public record and available to the public.

All proposals must be submitted by **October 31, 2015**.

You may submit your proposal by:

- Filling the form online and uploading documents, if any; or
- Submitting your completed form and any attachments by mail or email:

Mail to:  
2015-2016 Charter Commission  
City and County of Honolulu  
530 South King Street, Room 501  
Honolulu, Hawaii 96813

- ✓ Email to:  
[cclcharter@honolulu.gov](mailto:cclcharter@honolulu.gov)

*Thank you for participating in the 2015-2016 Honolulu Charter Commission process!*

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### **(DDC) Section 6-503. Powers, Duties and Functions --**

The director of design and construction shall:

- (a) In consultation with the respective departments, [Direct and perform] support their [the] planning.
- (b) Perform the engineering, design, and construction [and improvement] of city facilities [public buildings].
- (c) Advise and assist the respective departments on matters related to [Direct and perform the] planning, repair, renovation, maintenance and construction [engineering, design and construction] of city facilities [public streets, roads, bridges and walkways, and drainage and flood improvements].
- (d) Manage and develop long-range planning of energy conservation projects at city facilities in cooperation with the respective departments [In consultation with the respective departments, direct and perform the planning, engineering, design and construction of wastewater facilities, parks and recreational facilities, and transportation systems]

### **(DES) Section 6-702. Powers, Duties and Functions --**

The director of enterprise services shall:

- (a) Operate and maintain the Neal S. Blaisdell Center and any other auditorium or cultural or entertainment facilities assigned to the department.
- (b) As determined to be within the department's capabilities, direct and perform the repair, renovation, maintenance and construction of the Neal S. Blaisdell Center and other auditorium or cultural or entertainment facilities assigned to the department.
- (c) Coordinate with the director of design and construction the planning, engineering, design, construction, and repair of the Neal S. Blaisdell Center and other auditorium or cultural or entertainment facilities assigned to the department that exceed the department's capabilities.
- (d) [b] Perform such other duties as may be required by law.

### **(ENV) Section 6-803. Powers, Duties and Functions --**

The director of the department of environmental services shall:

- (a) [Advise the director of design and construction concerning the planning and design of wastewater facilities.
- (b) Oversee the operation and maintenance of sewer lines, treatment plants, [and] pumping stations.
- (c) Monitor the collection, treatment and disposal of wastewater.
- (d) Provide chemical treatment and pumping of defective cesspools.
- (e) Develop and administer solid waste collection, processing and disposal systems.
- (f) ](a) Operate, maintain, expand, and upgrade the wastewater systems of the City and County of Honolulu to include resource recovery programs and disposition of recovered materials.
- (b) Permit connections to the wastewater system and review plans for wastewater facilities, other than City projects, for conformance to City standards.
- (c) Operate, maintain, and upgrade the solid waste systems of the City and County of Honolulu to include collection of waste from single family residences, resource recovery programs and disposition of recovered materials.
- (d) Provide for disposition of materials and resources created from wastewater and solid waste resource recovery operations including, but not limited to recycled water, recycled sewage sludge, and electricity.
- (e) Prepare bills, collect and, by appropriate means including the discontinuance of service and civil action, enforce collection of charges for the furnishing of wastewater and solid waste services.

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- (f) As determined to be within the department's capabilities, direct and perform the planning, engineering, design and construction, and repair of sewer lines, treatment plants, pumping stations, and other wastewater and solid waste facilities.
- (g) Coordinate all planning, engineering, design, construction, and repair of sewer lines, treatment plants, pumping stations, and other wastewater and solid waste facilities that exceed the department's capabilities with the director of design and construction.
- (h) To carry out the powers, duties and functions of the department, any member or authorized representative of the department may enter upon any public or private property at any reasonable time without warrant, doing no unnecessary injury thereto.
- (i) [f] Promulgate rules and regulations as necessary to administer and enforce requirements established by law.
- (j) [g] Perform such other duties as required by law.

### **(DFM) Section 6-903. Powers, Duties and Functions --**

The chief engineer shall:

- (a) Maintain public buildings and their adjoining parking facilities, except as otherwise provided by law.
- (b) Maintain public streets, roads, bridges, traffic medians, triangles, circles, other traffic calming appurtenances and walkways, and drainage and flood control systems.
- (c) As determined to be within the department's capabilities, direct and perform the planning, engineering, design, construction, and repair of public buildings and their adjoining parking facilities, except as otherwise provided by law, public streets, roads, bridges, traffic medians, triangles, circles, traffic calming appurtenances and walkways, and drainage and flood control systems.
- (d) Coordinate with the director of design and construction all planning, engineering, design, construction, and repair of public buildings and their adjoining parking facilities, except as otherwise provided by law, public streets, roads, bridges, traffic medians, triangles, circles, traffic calming appurtenances and walkways, and drainage and flood control systems that exceed the department's capabilities.
- (e) Direct and perform the acquisition, maintenance and disposal of all City owned vehicles and equipment except those that are operated by the Honolulu Board of Water Supply, Honolulu Police and Honolulu Fire Departments.
- (f) Monitor stormwater and other discharges into drainage systems and receiving waters.
- (g) Promulgate stormwater rules and regulations as necessary to administer and enforce requirements established by law.
- (h) [e] Install and maintain street lighting systems.
- (i) [f] Perform such other duties as may be required by law.

### **(DIT) Section 6-1202. Powers, Duties and Functions --**

The director of information technology shall:

- (a) Install, [O]operate [a data processing system], and maintain information technology and telecommunications systems for the city government, excluding those systems maintained by the board of water supply and any other semi-autonomous agencies created by ordinance.
- (b) Coordinate with the director of design and construction the planning, engineering, design, construction, and repair of electrical, mechanical, structural, and architectural improvements required for information technology and telecommunications systems.

## ATTACHMENT 2

- (c) [b] Provide technical expertise and support in information technology and telecommunication technology [in data processing] to the city government.
- (d) [c] Assist the managing director in management information technology and telecommunications analysis and evaluation.
- (e) [d] Advise the mayor on information technology and telecommunications technology [data processing] matters.
- (f) [e] Perform such other duties as may be required by law.

### **(DPR) Section 6-1403. Powers, Duties and Functions --**

The director of parks and recreation shall:

- (a) Operate and maintain [Advise the director of design and construction on the planning and design of] the parks and recreational facilities of the city [, and maintain and operate all such facilities].
- (b) As determined to be within the department's capabilities, direct and perform the minor repair, renovation, maintenance and construction of the parks and recreational facilities of the city.
- (c) Coordinate with the director of design and construction all planning, engineering, design, construction, and repair of the city's parks and recreational facilities that exceed the department's capabilities.
- (d) [b] Develop and implement programs for cultural, recreational and other leisure-time activities for the people of the city, except as otherwise provided by law.
- (e) [c] Beautify the public parks, facilities and streets of the city, including, but not limited to, the planting, trimming and maintaining of all shade trees, hedges and shrubs on such city parks, facilities and streets.
- (f) [d] Process permit applications to use city parks and recreational facilities for free or affordable child day care programs for consideration by the council pursuant to Section 3-123 of this charter, provided that the director finds that such use does not interfere with the public's use of the property for park and recreational purposes.

### **(DTS) Section 6-1703. Powers, Duties and Functions --**

1. The director of transportation services shall:

- (a) Plan, operate and maintain transportation systems, including bikeways, except for activities relating to the city's fixed guideway mass transit system, to meet public transportation needs in accordance with the general plan and development plan[s], and advise on the design and construction thereof].
- (b) As determined to be within the department's capabilities, direct and perform the planning, engineering, design, and construction of transportation systems, except for activities relating to the city's fixed guideway mass transit system.
- (c) Coordinate with the director of design and construction all planning, engineering, design, construction, and repair of transportation systems, except for activities relating to the city's fixed guideway mass transit system, that exceed the department's capabilities.
- (d) [b] Locate, select, install and maintain traffic control facilities and devices.
- (e) [c] Provide educational programs to promote traffic safety.
- (f) [d] Establish a steel wheel on steel rail transit system, provided that nothing in this subsection shall preclude the director from utilizing technologies other than steel wheel on steel rail technology to complement or extend the rail transit system.
- (g) [e] Promulgate rules and regulations pursuant to standards established by law.

2. The director of transportation services shall have no power, duty, or function with respect to transportation systems, facilities, or programs which are under the jurisdiction of the public transit authority.